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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

D. G., et al.,

Petitioners,

v.

THE SUPERIOR COURT OF THE
COUNTY OF LOS ANGELES,

Respondent,

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES, et al.

Real Parties in Interest.

B212232

(Los Angeles County
Superior Ct. No. CK56093)

ORIGINAL PROCEEDINGS. Petition for Extraordinary Writ. Anthony
Trendacosta, Temporary Judge. (Pursuant to Cal. Const., art. VI, §21.) Petition denied.
Law Offices of Alex Iglesias, Steven Shenfeld and Pamela Tripp for Petitioner S.
G.

Frank Ostrov for Petitioner D.G.

No appearance for Respondent.

Raymond G. Fortner, Jr., Los Angeles County Counsel, Kirstin J. Andreasen,
Senior Associate County Counsel and James M. Owens, Assistant County Counsel for
Real Parties in Interest.

Martha A. Matthews for C.H.

The children, J.G. and older his half sister C.H., are the subject of two extraordinary writ petitions filed pursuant Welfare and Institutions Code section 8.452 seeking review of an order setting a Welfare and Institutions Code¹ section 366.26 permanent plan hearing. The two petitions are filed by mother of both children, D.G., and the father of J.G., S.G. The parents assert inadequate reunification services were provided. Further, they assert exceptional circumstances warrant an extension of reunification services beyond the 18-month deadline pursuant section 352, subdivision (a).

J.G. is 9 years of age and C.H. is 13 years old. Between 1995 and 2004, the Department of Children and Family Services (the department) provided intermittent services to the mother and later the father. The services were provided because: the mother was the victim of domestic violence by former boyfriends and later by the father; C.H. was abused; alcohol and drugs were ingested in front of C.H., the children's home was filthy and cockroach infested; the mother was depressed because she could not manage the chaotic family situation; and the father had damaged the family residence because he could not control his anger. The section 300 petition, filed August 19, 2004, was sustained on the ground that the children were placed in a detrimental home environment where they were exposed to "extreme domestic violence" by a convicted felon, Brian Bernstein. Mr. Bernstein attacked Morton² Bernstein. Morton is Brain's father and they lived with the mother and the children.

On appeal, the father contends that he was denied reasonable reunification services. But the father was not seeking custody. Thus, the department argues he was not

¹ All future statutory references are to the Welfare and Institutions Code.

² For purposes of clarity, the Bernsteins will be referred to by their first names.

entitled to reunification services. We agree. (*R.S. v. Superior Court* (2007) 154 Cal.App.4th 1262, 1269, fn. 4; *In re Janee W.* (2006) 140 Cal.App.4th 1444, 1450-1451.)

In any event, neither the father nor the mother were entitled to further reunification services. We review dependency determinations for substantial evidence. (*In re Shelley J.* (1998) 68 Cal.App.4th 322, 329; *In re Amy M.* (1991) 232 Cal.App.3d 849, 859-860.) We view the evidence in a light most favorable to the respondent court's findings. (*Mark N. v. Superior Court* (1998) 60 Cal.App.4th 996, 1010; *In re Misako R.* (1991) 2 Cal.App.4th 538, 545.) Family preservation is the first priority when dependency proceedings are commenced. (*In re Precious J.* (1996) 42 Cal.App.4th 1463, 1472; *In re Elizabeth R.* (1995) 35 Cal.App.4th 1774, 1787.) The Court of Appeal has held: "Reunification services implement 'the law's strong preference for maintaining the family relationships if at all possible.' [Citation.]" (*Id.* at p. 1787 citing *In re Rebecca H.* (1991) 227 Cal.App.3d 825, 843.) Therefore, reasonable reunification services must be offered to a parent. (*Ibid.*; *In re Brittany S.* (1993) 17 Cal.App.4th 1399, 1406.) The reunification plan is "a crucial part of a dispositional order." (*In re John B.* (1984) 159 Cal.App.3d 268, 275; accord *Robin V. v. Superior Court* (1995) 33 Cal.App.4th 1158, 1165; *In re Brittany S., supra*, 17 Cal.App.4th at p. 1402; *In re Terry E.* (1986) 180 Cal.App.3d 932, 947.) The department must make a "good faith effort" to provide reasonable services responsive to the unique needs of each family. (*In re Precious J., supra*, 42 Cal.App.4th at p. 1472; *In re Monica C.* (1995) 31 Cal.App.4th 296, 306; *In re Kristin W.* (1990) 222 Cal.App.3d 234, 254.) Also, the Court of Appeal has held: "[T]he plan must be specifically tailored to fit the circumstances of each family (*In re Michael S.* [(1987)] 188 Cal.App.3d 1448, 1458), and must be designed to eliminate those conditions which led to the juvenile court's jurisdictional finding. (*In re Rebecca H., supra*, 227 Cal.App.3d at p. 837.)" (*In re Dino E.* (1992) 6 Cal.App.4th 1768, 1777.) The effort must be made to provide reasonable reunification services in spite of difficulties in doing so or the prospects of success. (*In re Elizabeth R., supra*, 35 Cal.App.4th at p. 1790; *In re Brittany S., supra*, 17 Cal.App.4th at pp. 1406-1407; *In re Dino E., supra*, 6 Cal.App.4th

at p. 1777.) The adequacy of the reunification plan and of the department's efforts to provide suitable services is judged according to the circumstances of the particular case. (*In re Ronell A.* (1996) 44 Cal.App.4th 1352, 1362; *Armando L. v. Superior Court* (1995) 36 Cal.App.4th 549, 554; *Robin V. v. Superior Court, supra*, 33 Cal.App.4th at p. 1164.) But in the final analysis, the assessment of whether adequate services were provided is evaluated under the following circumstances: “‘In almost all cases it will be true that more services could have been provided more frequently and that the services provided were imperfect. The standard is not whether the services provided were the best that might be provided in an ideal world, but whether the services were reasonable under the circumstances.’ (*In re Misako R.* [, *supra*,] 2 Cal.App.4th [at p.] 547.)” (*In re Julie M.* (1999) 69 Cal.App.4th 41, 48.)

Substantial evidence supports the respondent court's implied findings that the mother and father were not entitled to further reunification services. The department provided reunification services for 49 months. During that extensive time period: referrals were provided within days of the detention hearing to address issues of drug abuse, domestic violence, parenting skills, child care, and homelessness ; bus transportation resources were provided; social workers monitored the parents' compliance with the reunification plan and mediated with providers to ameliorate problems which were often created by the mother and father ; and diagnostic and therapeutic counseling was provided to the children. During an agreed to additional period of reunification services based upon exceptional circumstances commencing January 2, 2008, the department: provided further therapeutic and diagnostic services to the two children; facilitated sibling visits and visitation with the mother; and when he could be located, the department arranged for visits with the father. The foregoing constitutes substantial evidence the department provided *reasonable* reunification services. The fact the respondent court was dissatisfied with some aspects of the department's services is not dispositive; the issue is whether the services provided were reasonable. (*In re Julie M.*, *supra*, 69 Cal.App.4th at p. 48; *In re Misako R.*, *supra*, 2 Cal.App.4th at p. 547.)

Finally, the argument that a further extension of reunification service was warranted pursuant to section 352, subdivision (a) has no merit. We review an order refusing to extend reunification services for an abuse of discretion. (*In re Elijah V.* (2005) 127 Cal.App.4th 576, 585 [“The court’s denial of a request for a continuance will not be overturned on appeal absent an abuse of discretion.”]; see *In re Adrianna P.* (2008) 166 Cal.App.4th 44, 53. fn. 3 [continuances are expressly discouraged in juvenile court].); *Carolyn R. v. Superior Court* (1995) 41 Cal.App.4th 159, 167 [extension of reunification available only under very rare circumstances].) By the time of the section 366.26, subdivision (f) hearing on November 7, 2008, after four years of reunification services, the children remained in their placements due to severe acting-out behaviors and depression issues. The mother was only partially in compliance with the case plan but continued to live with Brian. In January 2008, the father announced he would stop complying with the case plan. None of the rare circumstances which permit a further extension of reunification services are present here. (See *Bridget A. v. Superior Court* (2007) 148 Cal.App.4th 285, 312, fn. 17; *In re Dino E., supra*, 6 Cal.App.4th 1768, 1779.) No abuse of discretion occurred.

The extraordinary relief petitions are denied. This decision is final forthwith.

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TURNER, P. J.

We concur:

ARMSTRONG, J.

MOSK, J.